

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

MARVIN C. ESCHENWECK,

Plaintiff,

v

NORTHLAND INSURANCE COMPANY,

Defendant-Appellee,

and

TITAN INSURANCE COMPANY,

Defendant-Appellant.

---

UNPUBLISHED

April 11, 2006

No. 259274

Genesee Circuit Court

LC No. 03-077008-NF

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

Defendant Titan Insurance Company appeals an order granting summary disposition in favor of defendant Northland Insurance Company. Titan lacks standing to appeal the order; therefore, we dismiss this appeal. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court granted summary disposition in favor of Northland, finding that Titan was obligated to pay personal injury protection benefits to plaintiff. Titan moved for summary disposition, but did not challenge the trial court's decision regarding priority of coverage.

On appeal, Northland urges that Titan has no standing to appeal because Titan did not file a cross-claim in the trial court. Moreover, plaintiff did not appeal the trial court's ruling.

Whether a party has standing to appeal is a question of law which we review *de novo*. *Crawford v Dep't of Civil Service*, 466 Mich 250, 255; 645 NW2d 6 (2002).

A defendant insurer has no standing to appeal the grant of summary relief in favor of a codefendant insurer, where the appealing insurer has not filed a cross-claim against its codefendant, and the insured accepts the ruling of the Circuit Judge. *Farm Bureau Gen Ins Co v Riddering*, 172 Mich App 696, 699; 432 NW2d 404 (1998); *Winters v National Indemnity Co*, 120 Mich App 156, 159; 327 NW2d 423 (1982).

We find this case indistinguishable from *Winters, supra*. Because Titan did not file a cross-claim against Northland, and because plaintiff has accepted the decision of the trial court, Titan lacks standing to pursue this appeal. Therefore, we decline to address the issue raised on appeal.

Appeal dismissed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio